A nation of laws, not mayors

However one feels about the moral and legal propriety of same-sex marriage, most Americans should at least agree that it's inappropriate for citizens and officials to blatantly break federal, state or local laws with which they disagree.

Chaos would result if all Americans followed the dictum that their personal preferences take precedence over the rule of law. That's why we applaud Thursday's ruling by the California Supreme Court that invalidated nearly 4,000 same-sex marriages conducted in San Francisco earlier this year.

A court majority ruled that these actions broke state laws that define marriage as a union between male and female, and that San Francisco Mayor Gavin Newsom exceeded his authority in approving them. Some undoubtedly will construe the ruling as reinforcing anti-homosexual discrimination. We view it as a victory for the rule of law — something all Americans, no matter their gender or marriage preferences, have an overriding interest in preserving.

Changing bad, anachronistic or unjust laws is a power available to all Americans through a variety of means. But except in the most dire circumstances, lawful means of change are preferred over unlawful.

Thursday's ruling didn't render a judgment about the constitutionality of California's definition of marriage, but simply enforced the law as written and delivered a rebuke to local officials who feel they're above the law. Our system would be a mess if mayors were granted the power to override state or federal laws.

Newsome defended his actions by claiming the "fundamental right" of gay couples to marry compelled him to act. But pulling a "right" out of one's hat and declaring it "fundamental" doesn't make it so.

"The legal issue before us implicates the interest of all individuals in ensuring that public officials execute their official duties in a manner that respects the limits of the authorities granted to them as officeholders," wrote California's Chief Justice Ronald George in the decision. And this conclusion was the only appropriate one for the court to reach, given not only the primacy granted the rule of law in this system of government, but the obligations our courts have to uphold those laws.

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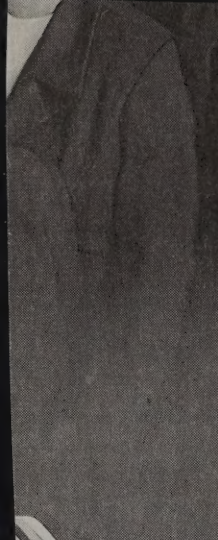

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